

REMARKS

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering the present application, and for the courtesies extended during the interview.

Disposition of Claims

Claims 1-17, 19-21, 23, 24, 27, 29-35, 37, and 39 are currently pending in the present application. Claims 1, 15, 17, and 23 are independent. The remaining claims depend, directly or indirectly, from claims 1, 15, 17, and 23. By way of this reply, claims 1-6, 8-15, 19-21, 23, 24, 27, 29-35, 37, and 39 have been amended, and claim 7 has been cancelled.

Claim Amendments

Claim 1 has been amended to remove "credit information" from the list of the information on the smartcard that can be modified remotely. Claim 8 has been amended accordingly and claim 7 has been cancelled. No new matter has been added by way of these amendments as support for these amendments may be found, for example, in FIG. 8 and the associated text in the present application.

Claim 8 has been amended to further limit the receiver/decoder having both the first means and the second means being simultaneously invoked. No new matter has been added by way of these amendments as support for these amendments may be found, for example, in FIG. 8 and the associated text in the present application.

Claim 15 has been amended to clarify that the means to accommodate a credit or bank card carrying a microprocessor and the means to accommodate a smartcard are two *separate* means. No new matter has been added by way of this amendment as support for this

amendment may be found, for example, in FIG. 8 and the associated text in the present application.

Claims 1-6, 8-14, 19-21, 23, 24, 27, 29-35, 37, and 39 have been amended to correct minor grammatical errors. No new matter has been added by way of these amendments.

Rejection(s) Under 35 U.S.C § 103

In the instant Office Action, the Examiner asserts that “Applicant’s failure to traverse the official notices in the previous office action is taken as admission of prior art”. Applicant respectfully disagrees. Applicant traversed the rejections of the independent claims in the last response, and stated that “dependent claims are allowable for **at least** the same reasons”, which does not preclude Applicant from asserting other reasons that the dependent claims may be allowable.

As an initial matter, Applicant notes that the Examiner has given Official Notice in several places in the instant Office Action. In accordance with 37 CFR 1.104 (d) (2), Applicant hereby requests that any assertion of prior art based on the personal knowledge of the Examiner be supported by an affidavit or appropriate citation of prior art.

Claims 1, 4, 5, 7-14, 20, and 21

Claims 1, 4, 5, 7-14, 20, and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,870,155 (“Erlin”) in view of U.S. Patent No. 6,317,721 (“Hurta”) and U.S. Patent No. 5,473,609 (“Chaney”). Independent claim 1 has been amended by way of this reply. To the extent that the rejection may still apply to the amended claim, this rejection is respectfully traversed.

Independent claim 1 of the present application recites a receiver/decoder for use in reception of a broadcast from a remote center. The receiver/decoder includes: (i) means for interacting with a user's credit or bank card, and (ii) *separate* means for interacting with a user's smartcard, where information on the smartcard is modifiable by the remote center in response to a payment via the user's credit or bank card wherein the information being modified includes at least one of subscription right information and deciphering information.

As discussed with the Examiner during the interview, deleting "credit information" from the list of information in claim 1 renders the Hurta reference inapplicable. Specifically, Hurta discloses a vehicle-mounted smartcard-based transponder that communicates with a freeway toll plaza for transaction monitoring purposes. The smartcard-based transponder in Hurta stores credit information, *i.e.*, an amount of funds transferred from a credit account, and thus does not require, nor does it have, a *separate* means for interacting with a user's credit or bank card, as required by independent claim 1 of the present application.

Furthermore, Erlin, like Hurta discussed above, fails to disclose at least the limitations of independent claim 1 discussed above. Erlin discloses a TV remote control having a credit card magnetic stripe reader, with which a user may make purchases with a credit card using the remote control (the remote control transmits payment information to, for example, a TV set or a TV cable remote control box). Erlin does not teach a receiver/decoder having a means for interacting with a user's credit or bank card and a *separate* means for interacting with a user's smartcard as required by independent claim 1 of the present application.

Chaney, like Erlin and Hurta discussed above, fails to disclose all the limitations of amended independent claim 1 of the present application or supply that which Erlin and Hurta lack. Chaney discloses a system for forming program guide information conducive to selective display at respective receivers. At a receiver, a subscriber-specific byte stored on a smartcard is

compared with a transmitted channel information byte, and dependent on that comparison, the guide data for that particular channel is either displayed or not displayed in the program guide. However, Chaney is entirely silent as to a receiver that has: (i) means for interacting with a user's credit or bank card, and (ii) *separate* means for interacting with a user's smartcard as required by amended independent claim 1 of the present application.

Claim 8 is amended to limit the receiver/decoder to have both the first means and the second means simultaneously invoked, which inherently requires that both the smart card and the credit or bank card be inserted in the receiver/decoder simultaneously at least momentarily. Consequently, the smartcard is not required to store credit information and the receiver/decoder in accordance with embodiments of the present invention has better security and is more convenient to use as compared with systems in the prior art.

In view of the above, Erlin, Hurta, and Chaney, whether considered separately or in any combination, fail to show or suggest the present invention as recited in amended independent claim 1 of the present application. Thus, amended independent claim 1 of the present application is patentable over Erlin, Hurta, and Chaney. Dependent claims 4, 5, 8-14, 20, and 21 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 17 and 19

Claims 17 and 19 of the present application were rejected under 35 U.S.C. § 103(a) as being unpatentable over Erlin in view of U.S. Patent No. 5,351,296 issued to Sullivan (hereinafter "Sullivan"). For the reasons set forth below, this rejection is respectfully traversed.

Independent claim 17 recites a method of providing an order for an item or service that requires, at a receiver/decoder information concerning an item or service is received,

(i) reading credit or bank card information, (ii) generating an order request identifying the item or service and the credit or bank card information, (iii) verifying a remote center, and (iv) following verification, transmitting the order request to the remote center for processing. Verifying the remote center involves (a) inputting a random number by a user, (b) passing the random number to the remote center, (c) receiving the random number in an encrypted form from the remote center, and (d) decrypting the encrypted random number to verify the remote centre.

As stated in the instant Office Action, Erlin fails to disclose the verification step including inputting a random number by a user which is encrypted, and decrypting the random number at a remote center to verify the remote center. Sullivan, which is relied upon as disclosing the verification step of independent claim 17, fails to disclose a protocol in which a user supplies a random number to a remote center and then verifies the remote center through decrypting a remote center encryption of the random number. Sullivan discloses a method and device for determining and securely transmitting an account code of a financial card over a communications link in a communications network to a remote location which also allows a telephone to be used concurrently to perform voice communications over the same communications link with the remote location.

The Examiner asserts that the purported “verification ability” of Sullivan is equivalent to “verifying the remote center” of the present invention as recited in previously presented independent claim 17. This is incorrect. Referring to Figure 2 and the associated text (col. 12, lines 43—53) of Sullivan, in the step S2, it is the acquirer computer 152 that generates a random working key 154 used to create a common encryption key between the acquirer 66 and the user device 60. The user does *not* input a random number, nor does the user device 60 pass

the random number to the remote center, receive the random number in an encrypted form from the remote center, and decrypt the encrypted random number to verify the remote center.

In view of the above, Erlin and Sullivan, whether considered separately or in any combination, fail to show or suggest the present invention as recited in previously presented independent claim 17 of the present application. Thus, previously presented independent claim 17 of the present application is patentable over Erlin and Sullivan. Dependent claim 19 is allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 2, 3, 15, and 16

Claims 2, 3, 15, and 16 of the present application were rejected under 35 U.S.C. § 103(a) as being unpatentable over Erlin in view of Chaney and Hurta in further view of U.S. Patent No. 5,491,827 issued to Holtey (hereinafter "Holtey"). For the reasons set forth below, this rejection is respectfully traversed.

As discussed above, independent claim 1 of the present application requires, in part, that a receiver/decoder includes (i) means for interacting with a user's credit or bank card, and (ii) *separate means* for interacting with a user's smartcard. Further, as discussed above, Erlin, Chaney and Hurta fail at least to disclose these limitations of independent claim 1 of the present application. Holtey, like Erlin, Chaney, and Hurta, also fails to disclose at least these limitations. Holtey discloses a system in which a secure memory card can be operatively connected to communicate with a host microprocessor. Holtey is entirely silent as to any device that has (i) means for interacting with a user's credit or bank card, and (ii) *separate means* for interacting with a user's smartcard as required by independent claim 1 of the present application.

Thus, Holtey fails to disclose or teach at least those limitations of independent claim 1 not disclosed by Erlin, Chaney and Hurta.

Amended independent claim 15 of the present application requires, in part, that a receiver/decoder has (i) means to accommodate a credit or bank card carrying a microprocessor, and (ii) *separate* means to accommodate a smartcard. As discussed above, Erlin, Chaney, Hurta, and Holtey fail to disclose these limitations.

In view of the above, Erlin, Chaney, Hurta, and Holtey, whether considered separately or in any combination, fail to show or suggest the present invention as recited in amended independent claims 1 and 15 of the present application. Thus, amended independent claims 1 and 15 of the present application are patentable over Erlin, Chaney, Hurta, and Holtey. Dependent claims 2, 3, and 16 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 6

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Erlin in view of Chaney and U.S. Patent No. 5,603,078 issued to Henderson (hereinafter "Henderson"). For the reasons set forth below, this rejection is respectfully traversed.

As discussed above, Erlin and Chaney fail to disclose all the limitations of amended independent claim 1 of the present application. Like Erlin and Chaney, Henderson fails to disclose all the limitations of amended independent claim 1 or supply that which Erlin and Chaney lack. Henderson discloses an infrared remote control unit having an integrated card reading device so as to allow for the purchasing of products or services offered via a television monitor. However, Henderson is entirely silent as to any device that has (i) means for interacting with a user's credit or bank card, and (ii) *separate means* for interacting with a user's

smartcard as required by amended independent claim 1 of the present application. Thus, Henderson fails to disclose or teach at least those limitations of independent claim 1 not disclosed by Erlin and Chaney.

In view of the above, Erlin, Chaney, and Henderson, whether considered separately or in any combination, fail to show or suggest the present invention as recited in amended independent claim 1 of the present application. Thus, amended independent claim 1 of the present application is patentable over Erlin, Chaney, and Henderson. Dependent claim 6 is allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 23, 29-32, 33-35, 37, and 39

Claims 23, 29-32, 33-35, 37, and 39 of the present application were rejected under 35 U.S.C. § 103(a) as being unpatentable over Erlin in view of Chaney and U.S. Patent No. 5,602,581 issued to Ozaki (hereinafter "Ozaki"). For the reasons set forth below, this rejection is respectfully traversed.

Independent claim 23 of the present application requires, in part, that the item of equipment include (i) means for interacting with a user's credit or bank card, and (ii) *separate* means from said interacting means, for interacting with a user's smartcard.

As discussed above, Erlin and Chaney clearly fail to disclose means for interacting with a user's credit or bank card and a *separate* means for interacting with a user's smartcard. Ozaki, like Erlin and Chaney, fails to disclose these limitations. Ozaki, which discloses a television receiver control box with a card reader that reads a credit card, is entirely silent as to any device having a *separate* means, besides the means for interacting with a user's

credit or bank card, for interacting with a user's smartcard, as required by independent claim 23 of the present application.

In view of the above, Erlin, Chaney, and Ozaki, whether considered separately or in combination, fail to show or suggest the present invention as recited in amended independent claim 23 of the present application. Thus, amended independent claim 23 of the present application is patentable over Erlin, Chaney and Ozaki. Dependent claims 29-32, 33-35, 37 and 39 are allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 27

Claim 27 of the present application was rejected under 35 U.S.C. § 103(a) as being unpatentable over Erlin in view of Chaney and Ozaki in further view of U.S. Patent No. 5,787,154 issued to Hazra (hereinafter "Hazra"). For the reasons set forth below, this rejection is respectfully traversed.

As discussed above, Erlin, Chaney, and Ozaki fail to disclose all the limitations of amended independent claim 23 of the present application. Like Erlin, Chaney, and Ozaki, Hazra fails to disclose all the limitations of amended independent claim 23 or that which Erlin, Chaney, and Ozaki lack. Hazra, which discloses a method for securely transmitting information from a telephone to a calling party over a telephone network, is completely silent as to any device that has (i) means for interacting with a user's credit or bank card, and (ii) *separate* means for interacting with a user's smartcard.

In view of the above, Erlin, Chaney, Ozaki, and Hazra, whether considered separately or in any combination, fail to show or suggest the present invention as recited in independent claim 23 of the present application. Thus, independent claim 23 of the present application is patentable over Erlin, Chaney, Ozaki, and Hazra. Dependent claim 27 is allowable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. A petition for a **three-month extension** of time is enclosed. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/102001).

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Respectfully submitted,

By 

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Attachments